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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Applicant: Walker	)	Art Unit: 3763
	)	
Serial No.: 09/939,239	)	Examiner: Thissell
	)	
Filed: August 24, 2001	)	001/017 (1-3) USA
	)	
	)	July 7, 2004
	)	750 B STREET, Suite 3120
	)	San Diego, CA 92101
	)	

**PRELIMINARY AMENDMENT**


Commissioner of Patents and Trademarks  
Washington, DC 20231

Dear Sir:

Amend the application as follows to cancel non-elected claims and to present new claim 38, which had been rejected by a previous examiner in U.S. patent application serial no. 10/188,778 on the basis of USPN 6,264,679, which was prior art to the '778 application but which is not believed to be prior art to Claim 38 in this application, since Claim 38 is entitled to a priority date in this application which antedates the '679 patent.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,

  
\_\_\_\_\_  
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